

Claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, and 201 are rejected under 35 USC §112, first paragraph as containing subject matter which was not described in the specification. Claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, and 201 are rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter.

Claims 1-3, 5, 7, 10, 13, 14, 16, 17, 19-22, 24, 29, 32, 33, 35, 36, 38-41, 43, 48, 51, 52, 54, 55, 57-60, 62, 67, 70, 71, 73, 74, 76, 93-97, 99, 104, 107, 108, 110, 111, 113-117, 119, 124, 127, 128, 130, 131, 133-137, 139, 144, 147, 148, 150, 151, 153-158, 160, 162, 165, 168, 169, 171, 172, 174-178, 180, 185, 188, 189, 191, 192, 194-198, 200, 205, 208, 209, 211, and 212 are rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,765,138 (Aycock et al.). Claims 1, 2, 7-9, 11, 12, 15, 18, 20, 26-28, 30, 31, 34, 37, 39, 45-47, 49, 50, 53, 56, 58, 64-69, 72, 75, 93, 94, 96, 101-103, 105, 106, 109, 112-114, 116, 121-123, 125, 126, 129, 132-134, 136, 141-143, 145, 146, 149, and 152 are rejected under USC §102(b) as being anticipated by U.S. Patent No. 6,008,817 (Gilmore).

Claims 163, 164, 166, 167, 170, 173, 183, 184, 186, 187, 190, 193, 203, 204, 206, 207, 210, and 213 are rejected under USC §103(a) as being unpatentable over Aycock in view of Gilmore. Claims 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92 are rejected under USC §103(a) as being unpatentable over Aycock in view of reference "An Exploratory Study of the Perceived Benefits of Electronic Bulletin Use and Their Impact on Other Communication Activities" (James et al.).

#### **I. Claim Objections**

Claim 76 is objected to because of an informality. The Examiner believes that claim 76 should be dependent on claim 75 rather than claim 1 as a result of a typographical error. Applicant has amended 76 to be dependent on claim 58, in which an antecedent basis for claim 76 is provided by claim 58. Claim 99 is objected to for being redundant. The Office Action states that claim 99 has the same dependency and contains the same limitation as claim 97. Claim 99 has been cancelled by this amendment.

## II. 35 USC §112

Claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, and 201 are rejected under 35 USC §112, first paragraph as allegedly containing subject matter which is not described in the specification. The Office Action states that the written description in the specification does not explain what the applicant regards as “pre-season” and “in-season.” Applicant submits that “It is now well accepted that a satisfactory description may be in the claims or any other portion of the originally filed specification.” (MPEP 2163.) Thus, Applicant requests that the rejections under 35 USC §112, paragraph 1 be withdrawn. Claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, and 201 are rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter. Applicant submits that the usage of “pre-season” and “in-season” is consistent with accepted meanings. Applicant submits that the usage of “pre-season” and “in-season” in the instant application is consistent with the accepted meaning. For example, Webster’s Third New International Dictionary (G. & C. Merriam Company, 1961) presents the following meanings:

pre-seasonal (page 1793): “relating to or during the time preceding a season”

in-season (page 1168): “seasonal”

season (page 2049): “a time or period of time characterized or made significant by a particular feature, circumstance, or event.”

Thus, Applicant requests withdrawal of these rejections.

## III. 35 USC §102

Claims 1-3, 5, 7, 10, 13, 14, 16, 17, 19-22, 24, 29, 32, 33, 35, 36, 38-41, 43, 48, 51, 52, 54, 55, 57-60, 62, 67, 70, 71, 73, 74, 76, 93-97, 99, 104, 107, 108, 110, 111, 113-117, 119, 124, 127, 128, 130, 131, 133-137, 139, 144, 147, 148, 150, 151, 153-158, 160, 162, 165, 168, 169, 171, 172, 174-178, 180, 185, 188, 189, 191, 192, 194-198, 200, 205, 208, 209, 211, and 212 are rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,765,138 (Aycock et al.). Regarding claim 1, Applicant traverses the rejection as being improper because the rejection does not contain every element recited in the claim and arranged as recited in the claim. Claim 1 includes the steps of “inputting data concerning at least one of multiple suppliers in said **supply**

**chain**” and “displaying performance indicators relating to the performance of said at least one supplier with regard to other entities in said **supply chain**”. (Emphasis added.) Applicant submits that Aycock does not teach or even suggest a “supply chain.” Aycock teaches about “evaluating supplier capabilities to qualify a supplier as a vendor for a project.” (Column 2, lines 59-60.) Applicant submits that “a supply chain” is differentiated from “a vendor for a project” as disclosed in the instant application. In the instant application, for example, Applicant states that:

The channels that goods or resources travel through are known as a **supply chain**. These channels may extend from a manufacturing point to retail sales location or form a point where a resource, such as raw ore, is harvested to a manufacturing location, where a product is made from that resource. In the manufacturing process or sales process, over-supply or under-supply of goods or resources is undesirable. An efficient **supply chain** maintains the optimum amount of goods and resources through the **supply chain** to avoid both overstocking and understocking. (Emphasis added. Page 1, paragraph 2.)

Moreover, Applicant discloses:

Figure 6 shows the actuals evaluation screen 220, accessed by selecting the actuals hyperlink button 216 on menu section 300. The actuals evaluation screen 220 contains key performance indicators (KPI) by which suppliers may be measured. Supplier’s KPI are viewed by channel (**supply chain**) either aggregated up to “All Suppliers” or at a supplier, division, or department level. (Emphasis added. Page 10, paragraph 45, lines 1-5.)

Applicant further discloses:

The select channel field 221 provides a list box from which a user can select the **supply chain**. A select supplier field 222 provides a list of values from which a user may select a single supplier or ‘all suppliers.’ The user may enter the first letters of the name and the nearest match will be found, or the scroll bar can be used. The select division field 223 and select department field 224 provide list boxes from which the user may select a division and the department, respectively. (Emphasis added. Page 11, paragraph 46.)

Thus, Applicant requests for reconsideration of claim 1. For the aforementioned reasons, Applicant submits that Aycock does not anticipate independent claims 20, 39, 58, 93, 113, 133, 153, 174, and 194 and requests for reconsideration. As claims 2-3, 5, 7, 10, 13, 14, 16, 17, 19, 21-22, 24, 29, 32, 33, 35, 36, 38, 40-41, 43, 48, 51, 52, 54, 55, 57, 59-60, 62, 67, 70, 71, 73, 74, 76, 94-97, 99, 104, 107, 108, 110, 111, 114-117, 119, 124, 127, 128, 130, 131, 133-137, 139, 144, 147, 148, 150, 151, 154-158, 160, 162, 165, 168, 169, 171, 172, 175-178, 180, 185, 188,

189, 191, 192, 195-198, 200, 205, 208, 209, 211, and 212 depend upon these independent claims, Aycock cannot form the basis for a rejection of these dependent claims based on 35 USC 102. Accordingly, Applicant requests that the rejection be withdrawn for the dependent claims.

Claims 1, 2, 7-9, 11, 12, 15, 18, 20, 26-28, 30, 31, 34, 37, 39, 45-47, 49, 50, 53, 56, 58, 64-69, 72, 75, 93, 94, 96, 101-103, 105, 106, 109, 112-114, 116, 121-123, 125, 126, 129, 132-134, 136, 141-143, 145, 146, 149, and 152 are rejected under USC §102(b) as being anticipated by U.S. Patent No. 6,008,817 (Gilmore). Regarding claim 1, Applicant traverses the rejection as being improper because the rejection does not contain every element recited in the claim and arranged as recited in the claim. Claim 1 includes the steps of “inputting data concerning at least one of multiple suppliers in said **supply chain**” and “displaying performance indicators relating to the performance of said at least one supplier with regard to other entities in said **supply chain**”. (Emphasis added.) Applicant submits that Gilmore does not teach or even suggest a “supply chain” as is disclosed and claimed in the instant application as previously discussed. Gilmore teaches about “scoring **products**.” (Emphasis added. Column 3, line 42.) Applicant submits that “a supply chain” is differentiated from “a product” as disclosed in the instant application. For example, as was previously discussed, Applicant states:

The channels that goods or resources travel through are known as a **supply chain**. These channels may extend from a manufacturing point to retail sales location or form a point where a **resource**, such as raw ore, is harvested to a manufacturing location, where a **product** is made from that **resource**. In the manufacturing process or sales process, over-supply or under-supply of goods or resources is undesirable. An efficient **supply chain** maintains the optimum amount of goods and resources through the **supply chain** to avoid both overstocking and understocking. (Emphasis added. Page 1, paragraph 2.)

For the aforementioned reasons, Applicant submits that Gilmore does not anticipate independent claims 20, 39, 58, 93, 113, and 133 and requests for reconsideration. As dependent claims 2, 7-9, 11, 12, 15, 18, 26-28, 30, 31, 34, 37, 45-47, 49, 50, 53, 56, 64-69, 72, 75, 94, 96, 101-103, 105, 106, 109, 112, 114, 116, 121-123, 125, 126, 129, 132, 134, 136, 141-143, 145, 146, 149, and 152 depend upon these independent claims, Gilmore cannot form the basis for a rejection of these dependent claims based on 35 USC 102. Accordingly, Applicant requests that the rejection be withdrawn for the dependent claims.

**IV. 35 USC §103(a)**

Claims 163, 164, 166, 167, 170, 173, 183, 184, 186, 187, 190, 193, 203, 204, 206, 207, 210, and 213 are rejected under USC §103(a) as being unpatentable over Aycock in view of Gilmore. Claims 163, 164, 166, 167, 170, and 173 are dependent upon independent claim 153. Claims 183, 190, and 193 are dependent on independent claim 174. Claims 203, 204, 206, 207, 210, and 213 are dependent on independent claim 194. As previously discussed, neither Aycock nor Gilmore nor the combination of Aycock and Gilmore teach or even suggest about a supply chain. Moreover, in accordance with MPEP 2143.03 "If an independent claim is nonobvious under 35 USC 103, then any claim depending therefrom is nonobvious." Thus, Applicant submits that the Office Action does not establish a prima facie case of obviousness with respect to claims 163, 164, 166, 167, 170, 173, 183, 184, 186, 187, 190, 193, 203, 204, 206, 207, 210, and 213 and requests for reconsideration.

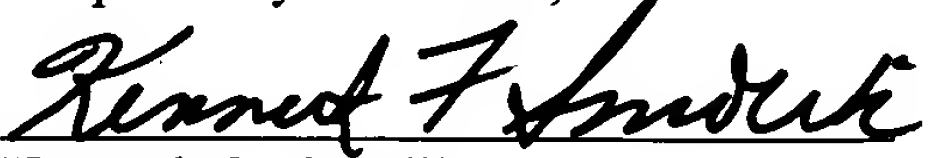
Claims 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92 are rejected under USC §103(a) as being unpatentable over Aycock in view of reference "An Exploratory Study of the Perceived Benefits of Electronic Bulletin Use and Their Impact on Other Communication Activities" (James et al.). Claims 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92 are dependent upon independent claims 1, 20, 39, and 58. As previously discussed, Aycock does not teach or even suggest about a supply chain. Moreover, the combination of Aycock, James, and the cited teaching "to use electronic bulletin board systems (BBS) to share common information among a group of users" do not teach or even suggest about a supply chain. Thus, Applicant submits that Office Action does not establish a prima facie case of obviousness with respect to claims 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92 and requests for reconsideration.

**V. Conclusion**

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

All objections and rejections having been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

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Respectfully submitted,  
By:   
Kenneth F. Smolik  
Registration No. 44,344  
BANNER & WITCOFF, LTD.  
10 South Wacker Drive  
Suite 3000  
Chicago, Illinois 60606  
Direct Line: 312-463-5419  
Facsimile: 312-463-5001

**VERSION MARKED TO SHOW CHANGES MADE**

76. (Amended) A system of evaluating the supply base of a supply chain as recited in claim [1] 58, wherein information may be inputted into said database by authorized personnel.

Please cancel claim 99.